

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONNA JONES,

Plaintiff,

v.

02-CV-1428

SMITHKLINE BEECHAM CORPORATION  
d/b/a GLAXO SMITH KLINE,

Defendant.  
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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Defendant moves to strike certain filings by Plaintiff in connection with her contention that Defendant committed perjury and a fraud upon the Court. In the alternative, Defendant seeks to have these materials sealed. Defendant also seeks to require that Plaintiff obtain leave of Court before filing any more documents in this case.

Although the Court understands Defendant's concerns about any potentially untruthful allegations contained in Plaintiff's filings, neither striking nor sealing the documents is warranted. This Court made a finding expressed in its November 6, 2006 Order that Plaintiff failed to substantiate any claims of perjury or fraud upon the Court. As such, Defendant has some vindication on the record with respect to Plaintiff's allegations.

It does bear noting that this case was filed in November 2002. Judgment was entered in favor of Defendant and against Plaintiff in March 2004. Plaintiff sought reconsideration, which was denied. The denial of reconsideration was affirmed upon appeal

to the Second Circuit. The Second Circuit's mandate was issued in May 2006.

Notwithstanding that this case is closed, Plaintiff has continued to file papers challenging the granting of Defendant's motion for summary judgment, arguing with the findings of the Court, and contending that Defendant has perpetrated a fraud upon the Court. Now, Defendant is filing papers challenging Plaintiff's additional submissions.

The time has come for the parties to accept that this matter has been fully adjudicated and resolved. Simply stated, this case is **closed**. While the Court understands Plaintiff's dissatisfaction with having her case dismissed on summary judgment, she must accept the finality of the litigation and discontinue her continued filings in connection with this matter.

For the foregoing reasons:

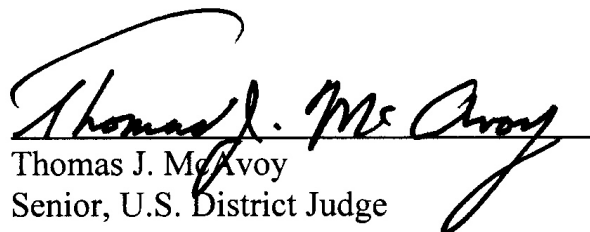
(1) Defendant's motion [Dkt. No. 61] to strike and/or seal the documents submitted at Docket Nos. 58, 59, and 60 is DENIED;

(2) Defendant's motion [Dkt. No. 61] requiring Plaintiff to obtain leave of Court before filing any additional papers in this matter is GRANTED. The Clerk of the Court shall not accept any further filings in connection with this matter (by either party), except by leave of Court; and

(3) Defendant's letter motion [Dkt. No. 64] seeking leave to file reply papers is DENIED.

IT IS SO ORDERED.

Dated: February 7, 2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge

